

JOURNAL OF THE HOUSE

EIGHTY-NINTH SESSION

TWENTY-THIRD DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Thursday, February 20, 2014

The House convened at 2:00 p.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Dodie Noordermeer, followed by the Pledge of Allegiance led by House pages Mikayla Brakke and Georgia Edoff.

Roll Call: All members present.

APPROVAL OF THE JOURNAL

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Chief Clerk of the House has had under consideration the House Journal of the twenty-second day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Brian G. Gosch, Chair

Which motion prevailed.

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1 Also MR. SPEAKER:

2 The Committee on Agriculture and Natural Resources respectfully reports that it has had
3 under consideration HB 1215 which was tabled.

4 Respectfully submitted,
5 Charles B. Hoffman, Chair

6 Also MR. SPEAKER:

7 The Committee on Health and Human Services respectfully reports that it has had under
8 consideration HB 1244 and returns the same with the recommendation that said bill be amended
9 as follows:

10 1244ja

11 On page 1 of the printed bill, delete lines 3 to 15, inclusive.

12 On page 2, delete lines 1 to 5, inclusive.

13 On page 2, line 6, delete "2 to 9" and insert "1 to 8".

14 On page 2, line 10, delete "2 to 9" and insert "1 to 8".

15 On page 2, line 11, delete "twenty" and insert "twenty-five".

16 On page 2, line 15, delete "South Dakota health insurance assistance" and insert "caring
17 for South Dakota".

18 On page 2, line 18, delete "seven million dollars from the building South Dakota" and
19 insert "one dollar from the general".

20 On page 2, line 19, delete "health insurance coverage" and insert "caring for South
21 Dakota".

22 On page 2, line 21, delete "South Dakota health insurance assistance" and insert "caring
23 for South Dakota".

24 On page 3, line 9, delete "health insurance" and insert "caring for South Dakota".

25 On page 3, line 10, delete "assistance".

26 On page 3, line 11, delete "health insurance assistance" and insert "caring for South
27 Dakota".

1 1244jb

2 On page 3, line 21, of the printed bill, delete everything after "Medicaid" and insert "or
3 Medicare; and".

4 1244jc

5 On the printed bill, delete all previously adopted amendments.

6 On page 1, delete lines 3 to 15, inclusive.

7 On page 2, delete lines 1 to 5, inclusive.

8 On page 2, line 6, delete "2 to 9" and insert "1 to 8".

9 On page 2, line 10, delete "2 to 9" and insert "1 to 8".

10 On page 2, line 11, delete "twenty" and insert "forty".

11 On page 2, line 15, delete "South Dakota health insurance assistance" and insert "caring
12 for South Dakota".

13 On page 2, line 18, delete "seven million dollars from the building South Dakota" and
14 insert "fourteen million dollars from the general".

15 On page 2, line 19, delete "health insurance coverage" and insert "caring for South
16 Dakota".

17 On page 2, line 21, delete "South Dakota health insurance assistance" and insert "caring
18 for South Dakota".

19 On page 3, line 9, delete "health insurance" and insert "caring for South Dakota".

20 On page 3, line 10, delete "assistance".

21 On page 3, line 11, delete "health insurance assistance" and insert "caring for South
22 Dakota".

23 1244fa

24 On page 4, after line 22 of the printed bill, insert:

25 " Section 10. That § 10-4-9.3 be amended to read as follows.

26 10-4-9.3. Property owned by any corporation, organization, or society and used primarily for
27 human health care and health care related purposes is exempt from taxation if the facility is a

1 critical access health care facility or has fifty beds or less. Such corporation, organization or
2 society shall be nonprofit and recognized as an exempt organization under section 501(c)(3) of
3 the United States Internal Revenue Code, as amended and in effect on January 1, 2013, and none
4 of its assets may be available to any private interest. The property shall be a health care facility
5 licensed pursuant to chapter 34-12, orphanage, mental health center or community support
6 provider regulated under chapter 27A-5, or camp. The facility shall admit all persons for
7 treatment consistent with the facility's ability to provide health care services required by the
8 patient until the facility is filled to its ordinary capacity and conform to all applicable regulations
9 of and permit inspections by the state as otherwise provided by law."

10 1244jta

11 On page 1, line 1, of the printed bill, after "insurance" insert "and to make an appropriation
12 therefor".

13 And that as so amended said bill do pass.

14 Also MR. SPEAKER:

15 The Committee on Health and Human Services respectfully reports that it has had under
16 consideration HB 1257 and returns the same with the recommendation that said bill be amended
17 as follows:

18 1257jb

19 On the printed bill, delete everything after the enacting clause and insert:

20 " Section 1. A health benefit plan shall provide coverage for the screening, diagnosis, and
21 treatment of autism spectrum disorder. To the extent that the screening, diagnosis, and treatment
22 of autism spectrum disorder are not already covered by a health benefit plan, coverage pursuant
23 to this Act must be included in health benefit plans that are delivered, executed, issued,
24 amended, adjusted, or renewed in this state on or after July 1, 2014.

25 Section 2. Coverage provided pursuant to this Act may not be subject to any limits on the
26 number of visits an individual may make for treatment of autism spectrum disorder.

27 Coverage under this Act may not be subject to dollar limits, deductibles, or coinsurance
28 provisions that are less favorable to an insured than the dollar limits, deductibles, or coinsurance
29 provisions that apply to substantially all medical and surgical benefits under the health insurance
30 policy.

31 Section 3. Nothing in this Act may be construed as limiting benefits that are otherwise
32 available to an individual under a health insurance policy.

33 Section 4. Terms used in this Act mean:

- 1 (1) "Applied behavior analysis," the design, implementation, and evaluation of
2 environmental modifications, using behavioral stimuli and consequences, to produce
3 socially significant improvement in human behavior, including the use of direct
4 observation, measurement, and functional analysis of the relationship between
5 environment and behavior;
- 6 (2) "Autism spectrum disorder," any of the pervasive developmental disorders or autism
7 spectrum disorders as defined by the most recent edition of the Diagnostic and
8 Statistical Manual of Mental Disorders (DSM) or the edition that was in effect at the
9 time of diagnosis;
- 10 (3) "Diagnosis of autism spectrum disorder," medically necessary assessment,
11 evaluations, or tests to diagnose whether an individual has an autism spectrum
12 disorder;
- 13 (4) "Behavioral health treatment," counseling and treatment programs, including applied
14 behavior analysis, that are:
 - 15 (a) Necessary to develop, maintain, or restore, to the maximum extent practicable,
16 the functioning of an individual; and
 - 17 (b) Provided or supervised by a board certified behavior analyst or by a licensed
18 psychologist so long as the services performed are commensurate with the
19 psychologists's university training and supervised experience;
- 20 (5) "Health benefit plan," as defined by § 58-17F-1;
- 21 (6) "Pharmacy care," medications prescribed by a licensed physician and any health-
22 related services deemed medically necessary to determine the need or effectiveness
23 of the medications;
- 24 (7) "Psychiatric care," direct or consultative services provided by a psychiatrist licensed
25 in the state in which the psychiatrist practices;
- 26 (8) "Psychological care," direct or consultative services provided by a psychologist
27 licensed in the state in which the psychologist practices;
- 28 (9) "Therapeutic care," services provided by licensed or certified speech therapists,
29 occupational therapists, or physical therapists;
- 30 (10) "Treatment for autism spectrum disorder," evidence-based care and related
31 equipment prescribed or ordered for an individual diagnosed with an autism spectrum
32 disorder by a licensed physician or a licensed psychologist who determines the care
33 to be medically necessary, including behavioral health treatment, pharmacy care,
34 psychiatric care, psychological care, and therapeutic care.

1 Section 5. Coverage for applied behavior analysis shall include the services of the personnel
2 who work under the supervision of the board certified behavior analyst or the licensed
3 psychologist who oversees the program.

4 Section 6. Except for inpatient services, if an insured is receiving treatment for an autism
5 spectrum disorder, an insurer has the right to review the treatment plan annually, unless the
6 insurer and the insured's treating physician or psychologist agree that a more frequent review
7 is necessary. Any such agreement regarding the right to review a treatment plan more frequently
8 applies only to a particular insured being treated for an autism spectrum disorder and does not
9 apply to all individuals being treated for autism spectrum disorder by a physician or
10 psychologist. The cost of obtaining any review or treatment plan shall be borne by the insurer.

11 Section 7. Nothing in the Act may be construed as affecting any obligation to provide
12 services to an individual under an individualized family service plan, an individualized
13 education program, or an individualized service plan.

14 Section 8. Nothing in this Act may apply to non grandfathered plans in the individual and
15 small group markets or to Medicare supplement, accident-only, specified disease, hospital
16 indemnity, disability income, long-term care, or other limited benefit hospital insurance policies.

17 Section 9. By February 1, 2016, and every February first thereafter the Division of Insurance
18 shall submit a report to the Legislature regarding the implementation of the coverage required
19 under this Act. The report shall include the following:

- 20 (1) The total number of insureds diagnosed with autism spectrum disorder;
- 21 (2) The total cost of all claims paid out in the immediately preceding calendar year for
22 coverage required by this Act;
- 23 (3) The cost of such coverage per insured per month; and
- 24 (4) The average cost per insured for coverage of applied behavior analysis.

25 All health carriers and health benefit plans subject to the provisions of this Act shall provide
26 the Division of Insurance with the data requested by the division for inclusion in the annual
27 report."

28 And that as so amended said bill do pass.

29 Also MR. SPEAKER:

30 The Committee on Health and Human Services respectfully reports that it has had under
31 consideration HB 1241 which was tabled.

1 Also MR. SPEAKER:

2 The Committee on Health and Human Services respectfully reports that it has had under
3 consideration HB 1240 which was deferred to the 41st Legislative Day.

4 Respectfully submitted,
5 Scott Munsterman, Chair

6 Also MR. SPEAKER:

7 The Committee on Local Government respectfully reports that it has had under
8 consideration HB 1096, which was removed from the table, and returns the same with the
9 recommendation that said bill be amended as follows:

10 1096ya

11 On the printed bill, delete everything after the enacting clause and insert:

12 " Section 1. That § 12-1-13 be amended to read as follows:

13 12-1-13. Within five business days after a nominating, ~~initiative, or referendum~~ petition is
14 filed with the person in charge of the election, any interested person who has researched the
15 signatures contained on the petition may file an affidavit stating that the petition contains
16 deficiencies as to the number of signatures from persons who are eligible to sign the petition.
17 The affidavit shall include an itemized listing of the specific deficiencies in question. An
18 initiated measure or referendum petition may be challenged by any person pursuant to this
19 section by filing an affidavit as set forth above within thirty days after the petition is filed with
20 the person in charge of the election."

21 1096yta

22 On page 1, line 1, of the printed bill, delete everything after "to" and insert "revise certain
23 provisions regarding the challenging of certain election petitions."

24 On page 1, delete line 2.

25 1096ja

26 On the previously adopted amendment (1096ya), on line 1, remove the overstrikes from
27 ", initiative, or referendum" and on line 5, delete "An" and insert "Any statewide".

28 And that as so amended said bill do pass.

1 Also MR. SPEAKER:

2 The Committee on Local Government respectfully reports that it has had under
3 consideration HB 1164, which was removed from the table, and returns the same with the
4 recommendation that said bill be amended as follows:

5 1164ya

6 On the printed bill, delete everything after the enacting clause and insert:

7 " Section 1. That § 13-26-9 be amended to read as follows:

8 13-26-9. A decision by a school board to schedule the opening day of classes before the first
9 Tuesday following the first Monday in September may be referred to a vote of the qualified
10 voters of the school district by the filing of a petition signed by ~~five~~ two and one-half percent
11 of the registered voters in the school district, based upon the total number of registered voters
12 at the last preceding general election. The board in scheduling the opening day of classes shall
13 allow sufficient time for the referendum process authorized in this section.

14 Section 2. That § 13-26-10 be amended to read as follows:

15 13-26-10. A petition to refer a school board decision may be filed with the business manager
16 of the school district within ~~twenty~~ ninety days after its publication. The filing of the petition
17 shall require the submission of the decision to a vote of the qualified voters of the school district
18 for its rejection or approval."

19 1164yta

20 On page 1, line 1, of the printed bill, delete everything after "revise" and insert "certain
21 provisions regarding school board opening day decision petitions."

22 On page 1, delete line 2.

23 1164fa

24 On the printed bill, delete everything after the enacting clause and insert:

25 " Section 1. That § 13-26-9 be amended to read as follows:

26 13-26-9. A decision by a school board to schedule the opening day of classes before the first
27 Tuesday following the first Monday in September may be referred to a vote of the qualified
28 voters of the school district by the filing of a petition signed by five percent of the registered
29 voters in the school district, based upon the total number of registered voters voting at the last
30 preceding general election. The board in scheduling the opening day of classes shall allow
31 sufficient time for the referendum process authorized in this section."

1 And that as so amended said bill do pass.

2 Respectfully submitted,
3 Tim Rounds, Chair

4 Also MR. SPEAKER:

5 The Committee on Transportation respectfully reports that it has had under consideration
6 SB 54 and 59 and returns the same with the recommendation that said bills do pass.

7 Also MR. SPEAKER:

8 The Committee on Transportation respectfully reports that it has had under consideration
9 SB 39, 60, and 88 and returns the same with the recommendation that said bills do pass and be
10 placed on the consent calendar.

11 Also MR. SPEAKER:

12 The Committee on Transportation respectfully reports that it has had under consideration
13 HB 1194 and returns the same with the recommendation that said bill be amended as follows:

14 1194fb

15 On page 1, line 4, of the printed bill, delete "rural water system that intends to place a
16 water" and insert "utility that intends to place a".

17 On page 1, line 5, delete "carrier".

18 On page 1, line 7, delete "rural water system" and insert "utility".

19 On page 1, line 9, delete everything after "." .

20 On page 1, delete lines 10, 11, and 12.

21 On page 1, line 13, delete "rural water system has mailed" and insert "utility has
22 submitted".

23 On page 2, line 2, delete everything before "may" and insert " affected utility, the utility".

24 On page 2, line 8, delete "rural water system" and insert "utility".

25 On page 2, line 11, after "application," insert "processing fee,".

26 On page 2, line 15, delete "rural water system" and insert "utility".

1 On page 3, line 1, delete everything after "railroad" and insert "and a utility from
2 continuing under an existing agreement or".

3 On page 3, line 3, delete "rural water" and insert "utility".

4 On page 3, line 4, delete "system".

5 On page 3, after line 11, insert:

6 " Section 7. Terms used in this Act mean:

7 (1) "Railroad," a railroad or any other entity responsible for the management of crossings
8 or collection of fees for the railroad;

9 (2) "Rural water system," an entity engaged in the treatment, distribution, and sale of
10 water to rural consumers that was created by chapters 34A-5, 46A-3A, or 46A-9 or
11 any nonprofit corporation engaged in such activity;

12 (3) "Utility," a rural water system, gas utility, electric utility, consumer power district,
13 municipal utility, rural electric cooperative, telecommunications company, or any
14 other underground facility."

15 1194fta

16 On page 1, line 1, of the printed bill, delete everything after "Act to" and insert "establish
17 certain requirements relating to the crossings of railroad rights-of-way by utilities."

18 On page 1, delete line 2.

19 And that as so amended said bill do pass.

20 Respectfully submitted,
21 Mike Verchio, Chair

22 **MESSAGES FROM THE SENATE**

23 MR. SPEAKER:

24 I have the honor to inform your honorable body that the Senate has failed to concur in
25 HCR 1017.

26 Also MR. SPEAKER:

27 I have the honor to return herewith HCR 1018 and 1019 in which the Senate has concurred.

1 Also MR. SPEAKER:

2 I have the honor to return herewith HB 1076 which has passed the Senate without change.

3 Also MR. SPEAKER:

4 I have the honor to transmit herewith SB 81, 90, 171, 180, and 183 which have passed the
5 Senate and your favorable consideration is respectfully requested.

6 Respectfully,
7 Jeannette Schipper, Secretary

8 **MOTIONS AND RESOLUTIONS**

9 SCR 4: A CONCURRENT RESOLUTION, Celebrating and honoring the Historic
10 Homestake Opera House in Lead on the occasion of its centennial on August 31, 2014.

11 Rep. Romkema moved that SCR 4 as found on page 327 of the Senate Journal be
12 concurred in.

13 The question being on Rep. Romkema's motion that SCR 4 be concurred in.

14 And the roll being called:

15 Yeas 70, Nays 0, Excused 0, Absent 0

16 Yeas:

17 Anderson; Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden;
18 Duvall; Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar
19 (Jenna); Hajek; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff
20 (Bernie); Johns; Kaiser; Killer; Kirschman; Kopp; Langer; Latterell; Lust; Magstadt; May;
21 Mickelson; Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley;
22 Peterson; Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish;
23 Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra;
24 Wick; Wink; Wismer; Speaker Gosch

25 So the motion having received an affirmative vote of a majority of the members-elect, the
26 Speaker declared the motion carried and SCR 4 was concurred in.

27 Rep. May moved that the Committee on Agriculture and Natural Resources be instructed
28 to deliver HB 1215 to the floor of the House, pursuant to Joint Rule 7-7.

29 Which motion was supported and the committee was so instructed.

1 Rep. Nelson moved that the Committee on State Affairs be instructed to deliver HB 1251
2 to the floor of the House, pursuant to Joint Rule 7-7.

3 Which motion was not supported.

4 Rep. Campbell moved that the Committee on Local Government be instructed to deliver
5 HB 1253 to the floor of the House, pursuant to Joint Rule 7-7.

6 A roll call vote was requested and not supported.

7 Rep. Campbell's motion was not supported.

8 Rep. Lust moved that when we adjourn today, we adjourn to convene at 12:30 p.m. on
9 Friday, February 21, the 24th legislative day.

10 Which motion prevailed.

11 **CONSIDERATION OF REPORTS OF COMMITTEES**

12 Rep. Lust moved that the reports of the Standing Committees on

13 State Affairs on HB 1142 as found on page 444 of the House Journal; also

14 State Affairs on HB 1166 as found on page 444 of the House Journal; also

15 Judiciary on HB 1129 as found on page 447 of the House Journal be adopted.

16 Which motion prevailed.

17 **FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS**

18 SB 81: FOR AN ACT ENTITLED, An Act to prohibit the possession of certain items in
19 jails, to provide a penalty therefor, and to revise the penalty for the procurement of certain items
20 into a jail.

21 Was read the first time and referred to the Committee on Judiciary.

SB 90: FOR AN ACT ENTITLED, An Act to revise certain provisions related to the High School Activities Association.

Was read the first time and referred to the Committee on Judiciary.

SB 171: FOR AN ACT ENTITLED, An Act to recognize certain federal forms as sufficient to direct the disposition of the body of a servicemember.

Was read the first time and referred to the Committee on Local Government.

SB 180: FOR AN ACT ENTITLED, An Act to authorize the increase in the number of video lottery machines that may be placed in a licensed establishment under certain conditions.

Was read the first time and referred to the Committee on State Affairs.

SB 183: FOR AN ACT ENTITLED, An Act to revise the trust fund requirements for perpetual cemeteries.

Was read the first time and referred to the Committee on Health and Human Services.

SECOND READING OF CONSENT CALENDAR ITEMS

Rep. Russell requested that HB 1134 be removed from the Consent Calendar.

Which request was granted.

SB 78: FOR AN ACT ENTITLED, An Act to repeal certain outdated and obsolete provisions regarding the Commissioner of South Dakota.

Was read the second time.

The question being "Shall SB 78 pass?"

And the roll being called:

Yeas 70, Nays 0, Excused 0, Absent 0

1 Yeas:

2 Anderson; Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden;
3 Duvall; Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar
4 (Jenna); Hajek; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff
5 (Bernie); Johns; Kaiser; Killer; Kirschman; Kopp; Langer; Latterell; Lust; Magstadt; May;
6 Mickelson; Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley;
7 Peterson; Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish;
8 Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra;
9 Wick; Wink; Wismer; Speaker Gosch

10 So the bill having received an affirmative vote of a majority of the members-elect, the
11 Speaker declared the bill passed and the title was agreed to.

12 SB 79: FOR AN ACT ENTITLED, An Act to repeal certain outdated and obsolete
13 provisions regarding the federal census.

14 Was read the second time.

15 The question being "Shall SB 79 pass?"

16 And the roll being called:

17 Yeas 70, Nays 0, Excused 0, Absent 0

18 Yeas:

19 Anderson; Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden;
20 Duvall; Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar
21 (Jenna); Hajek; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff
22 (Bernie); Johns; Kaiser; Killer; Kirschman; Kopp; Langer; Latterell; Lust; Magstadt; May;
23 Mickelson; Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley;
24 Peterson; Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish;
25 Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra;
26 Wick; Wink; Wismer; Speaker Gosch

27 So the bill having received an affirmative vote of a majority of the members-elect, the
28 Speaker declared the bill passed and the title was agreed to.

29 **SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

30 HB 1122: FOR AN ACT ENTITLED, An Act to prohibit the collection in South Dakota
31 of civil fines arising from speeding or red light cameras in other states.

32 Was read the second time.

1122ya

Rep. Stevens moved that HB 1122 be amended as follows:

On page 1, between lines 9 and 10 of the printed bill, insert:

" Section 2. In order to ensure due process rights of South Dakota residents, a state or municipality seeking to enforce a civil judgment or civil penalty pursuant to this Act must prove by a preponderance of the evidence that the defendant in question was the driver of the vehicle and committed the offense of speeding or running a red light. The state or municipality shall also provide evidence that all due process requirements such as notice, hearing, and opportunity to respond under title 15 have been met. Upon the plaintiff's compliance with this section, the state shall honor the judgement or penalty under §§ 15-16A-1 to 15-16A-9, inclusive."

On page 1, delete lines 10 to 13, inclusive.

On page 2, line 3, delete everything after "violation" and insert "in violation of section 2 of this Act."

On page 2, delete line 4.

On page 2, line 5, delete everything before "A" .

On page 2, line 7, after "fines" insert "in violation of section 2 of this Act".

Which motion prevailed.

The question being "Shall HB 1122 pass as amended?"

And the roll being called:

Yeas 69, Nays 1, Excused 0, Absent 0

Yeas:

Anderson; Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden; Duvall; Ecklund; Erickson; Feickert; Gibson; Greenfield; Haggar (Don); Haggar (Jenna); Hajek; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie); Johns; Kaiser; Killer; Kirschman; Kopp; Langer; Latterell; Lust; Magstadt; May; Mickelson; Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson; Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra; Wick; Wink; Wismer; Speaker Gosch

Nays:

Feinstein

1 So the bill having received an affirmative vote of a majority of the members-elect, the
2 Speaker declared the bill passed and the title was agreed to.

3 HB 1171: FOR AN ACT ENTITLED, An Act to revise provisions relating to trespass
4 associated with hunting, fishing, or trapping.

5 Was read the second time.

6 Rep. Cronin moved that HB 1171 be laid on the table.

7 The question being on Rep. Cronin's motion that HB 1171 be laid on the table.

8 And the roll being called:

9 Yeas 69, Nays 1, Excused 0, Absent 0

10 Yeas:

11 Anderson; Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden;
12 Duvall; Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar
13 (Jenna); Hajek; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff
14 (Bernie); Johns; Kaiser; Killer; Kirschman; Langer; Latterell; Lust; Magstadt; May; Mickelson;
15 Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson;
16 Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish;
17 Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra;
18 Wick; Wink; Wismer; Speaker Gosch

19 Nays:

20 Kopp

21 So the motion having received an affirmative vote of a majority of the members-elect, the
22 Speaker declared the motion carried and HB 1171 was tabled.

23 HB 1121: FOR AN ACT ENTITLED, An Act to include certain actions in liens on
24 property sold for tax deed.

25 Was read the second time.

26 Rep. Romkema moved that HB 1121 be laid on the table.

27 The question being on Rep. Romkema's motion that HB 1121 be laid on the table.

28 And the roll being called:

29 Yeas 67, Nays 3, Excused 0, Absent 0

1 Yeas:

2 Anderson; Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden;
3 Duvall; Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar
4 (Jenna); Hajek; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hunhoff (Bernie);
5 Johns; Kaiser; Killer; Kirschman; Langer; Latterell; Lust; Magstadt; May; Mickelson;
6 Munsterman; Nelson; Novstrup (David); Olson (Betty); Parsley; Peterson; Qualm; Rasmussen;
7 Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish; Schrempp; Sly; Soli; Solum;
8 Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra; Wick; Wink; Wismer;
9 Speaker Gosch

10 Nays:

11 Hoffman; Kopp; Otten (Herman)

12 So the motion having received an affirmative vote of a majority of the members-elect, the
13 Speaker declared the motion carried and HB 1121 was tabled.

14 HB 1204: FOR AN ACT ENTITLED, An Act to include certain funds in a school district's
15 local effort for purposes of the state aid to general education formula.

16 Was read the second time.

17 The question being "Shall HB 1204 pass as amended?"

18 And the roll being called:

19 Yeas 32, Nays 38, Excused 0, Absent 0

20 Yeas:

21 Campbell; Conzet; Craig; Dryden; Duvall; Erickson; Haggar (Don); Haggar (Jenna); Hajek;
22 Heinemann (Leslie); Hickey; Hoffman; Johns; Kopp; Langer; Lust; Magstadt; May; Mickelson;
23 Munsterman; Novstrup (David); Otten (Herman); Schoenfish; Sly; Stalzer; Steele; Verchio;
24 Werner; Westra; Wick; Wismer; Speaker Gosch

25 Nays:

26 Anderson; Bartling; Bolin; Cammack; Carson; Cronin; Ecklund; Feickert; Feinstein; Gibson;
27 Greenfield; Hawks; Hawley; Heinert; Hunhoff (Bernie); Kaiser; Killer; Kirschman; Latterell;
28 Nelson; Olson (Betty); Parsley; Peterson; Qualm; Rasmussen; Ring; Romkema; Rounds;
29 Rozum; Russell; Schaefer; Schrempp; Soli; Solum; Stevens; Tulson; Tyler; Wink

30 So the bill not having received an affirmative vote of a majority of the members-elect, the
31 Speaker declared the bill lost.

32 HB 1043: FOR AN ACT ENTITLED, An Act to revise and repeal certain provisions
33 regarding the regulation of aeronautics.

34 Was read the second time.

1 The question being "Shall HB 1043 pass as amended?"

2 And the roll being called:

3 Yeas 70, Nays 0, Excused 0, Absent 0

4 Yeas:

5 Anderson; Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden;
6 Duvall; Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar
7 (Jenna); Hajek; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff
8 (Bernie); Johns; Kaiser; Killer; Kirschman; Kopp; Langer; Latterell; Lust; Magstadt; May;
9 Mickelson; Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley;
10 Peterson; Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish;
11 Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra;
12 Wick; Wink; Wismer; Speaker Gosch

13 So the bill having received an affirmative vote of a majority of the members-elect, the
14 Speaker declared the bill passed and the title was agreed to.

15 HB 1150: FOR AN ACT ENTITLED, An Act to require that the pledge of allegiance to
16 the flag of the United States be recited at the start of each school day in every public school
17 classroom.

18 Was read the second time.

19 The question being "Shall HB 1150 pass?"

20 And the roll being called:

21 Yeas 70, Nays 0, Excused 0, Absent 0

22 Yeas:

23 Anderson; Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden;
24 Duvall; Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar
25 (Jenna); Hajek; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff
26 (Bernie); Johns; Kaiser; Killer; Kirschman; Kopp; Langer; Latterell; Lust; Magstadt; May;
27 Mickelson; Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley;
28 Peterson; Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish;
29 Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra;
30 Wick; Wink; Wismer; Speaker Gosch

31 So the bill having received an affirmative vote of a majority of the members-elect, the
32 Speaker declared the bill passed and the title was agreed to.

1 HB 1229: FOR AN ACT ENTITLED, An Act to provide for the reporting of certain
2 person's names to the National Instant Criminal Background Check System.

3 Was read the second time.

4 Rep. Nelson called for a division of the question.

5 The Speaker ruled the motion out of order, pursuant to Joint Rule 5-9.

6 Rep. Lust moved the previous question.

7 Which motion prevailed.

8 The question being "Shall HB 1229 pass?"

9 And the roll being called:

10 Yeas 53, Nays 17, Excused 0, Absent 0

11 Yeas:

12 Anderson; Bartling; Bolin; Cammack; Carson; Conzet; Cronin; Dryden; Duvall; Erickson;
13 Feickert; Feinstein; Gibson; Haggar (Don); Hajek; Hawks; Hawley; Heinert; Hickey; Hoffman;
14 Hunhoff (Bernie); Johns; Killer; Kirschman; Langer; Lust; Magstadt; Mickelson; Munsterman;
15 Novstrup (David); Otten (Herman); Parsley; Peterson; Qualm; Rasmussen; Ring; Romkema;
16 Rounds; Rozum; Schaefer; Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Stevens; Tyler;
17 Verchio; Westra; Wick; Wismer; Speaker Gosch

18 Nays:

19 Campbell; Craig; Ecklund; Greenfield; Haggar (Jenna); Heinemann (Leslie); Kaiser; Kopp;
20 Latterell; May; Nelson; Olson (Betty); Russell; Steele; Tulson; Werner; Wink

21 So the bill having received an affirmative vote of a majority of the members-elect, the
22 Speaker declared the bill passed and the title was agreed to.

23 Rep. Lust moved that the balance of the calendar including HB 1111 and SB 12, 64, 55,
24 27, 31, 32, 63, 14, 89, 93, 103, and 29 be deferred to Friday, February 21, the 24th legislative
25 day.

26 Which motion prevailed.

27 There being no objection, the House reverted to Order of Business No. 5.

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Romkema, Rounds, Russell, Schaefer, Schoenfish, Sly, Soli, Solum, Stalzer, Steele, Stevens, Tulson, Tyler, Verchio, Werner, Westra, Wick, Wink, and Wismer and Senators Vehle, Begalka, Bradford, Brown, Buhl O'Donnell, Ewing, Frerichs, Holien, Hunhoff (Jean), Jones (Chuck), Jones (Tom), Kirkeby, Lederman, Lucas, Maher, Monroe, Novstrup (Al), Omdahl, Otten (Ernie), Peters, Rampelberg, Rave, Rhoden, Soholt, Solano, Sutton, Tidemann, Tieszen, Van Gerpen, Welke, and White

A LEGISLATIVE COMMEMORATION, Honoring Kerri Young of Mitchell, South Dakota, on her outstanding achievement in Mitchell High School girls basketball.

WHEREAS, Kerri Young totaled 1,753 points in her basketball career starting in eighth grade through high school, making her the all-time leading scorer for both boys and girls basketball in Mitchell; and

WHEREAS, Young exceeded the 1998 Mitchell High School record set by current NBA player Mike Miller; and

WHEREAS, Young was named the 2013 Gatorade South Dakota Girls Basketball Player of the Year and 2013 Miss South Dakota Basketball; and

WHEREAS, Young earned All-State honors all four years in high school and helped lead the Mitchell Girls Basketball Team to the state championship games two years in a row, winning the 2012 Class AA state title; and

WHEREAS, Young has not only shown dedication to basketball but also to academics, maintaining a 4.0 grade point average in high school; and

WHEREAS, Young has continued her career in basketball at South Dakota State University:

NOW, THEREFORE, BE IT COMMEMORATED, by the Eighty-Ninth Legislature of the State of South Dakota, that the Legislature commend and honor Kerri Young of Mitchell, South Dakota, on her outstanding accomplishments in Mitchell and South Dakota girls basketball.

Rep. Steele moved that the House do now adjourn, which motion prevailed and at 4:28 p.m. the House adjourned.

Arlene Kvislen, Chief Clerk